



00-23-05-

Ser. No.: 10/693,206  
Page 1 of 3

11-00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Inventor :** Anthony Cubb  
**Title :** RES-Q-SCOPE  
**Serial No. :** 10/693,206  
**Confirmation No. :** 2309  
**Filed :** Oct. 23, 2003  
**Group Art Unit :** 3739  
**Examiner :** KASZTEJNA, MATTHEW JOHN

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 pursuant to 37 CFR 1.10 on the date shown below as

Express Mail Receipt No. EV 332245201US

Name: Ralisa Subhaw

Signature: R. Subhaw

Date: August 24, 2005

August 24, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**THIRD-PARTY SUBMISSION UNDER 37 CFR § 1.99**

To the Commissioner for Patents:

Submitter hereby makes this third-party submission pursuant to 37 CFR § 1.99. The third-party submission is being made in the above-referenced patent application which was published on April 28, 2005 as Publication Number US 2005/0090712 A1.

The current submission is being made prior to mailing of the notice of allowance, but more than two months from the date of publication.

Timeliness Requirement

The current submission is being made after the date two months from the date of publication of the application, but prior to mailing of the notice of allowance. This submission is not being submitted within the time period set forth in 37 CFR §1.99(c) as it could not have been submitted earlier. The inventor of the current application is a co-inventor of the inventions disclosed in the publications submitted herewith. Because of this, it was believed that the inventor would not be pursuing any further patents, since the invention was covered by the prior patent/patent application. The submitter became aware of the current application following recent publications by the inventor indicating a new application was filed for the invention. It was then that the submitter became aware of the current application after the two-month period following the publication of the application.

List of Patents or Publications

The following is a list of the patents or publications hereby being submitted:

Pursuant to 37 CFR § 1.99(b) (3), enclosed herewith is a copy of the patents/publications listed above.



Service Upon the Applicant

As required by 37 CFR § 1.99, a copy of this Third-Party Submission is being served upon the applicant, Anthony Cubb, M.D. at 19714 Texas Laurel Trail, Kingwood, TX 77346, USA. Enclosed herewith is a certification of service upon the applicant in compliance with 37 CFR 1.248(b).

Fees Enclosed

Enclosed herewith is a check in the amount of **\$180** as payment for the fee of \$180 set forth in 37 CFR § 1.17(p) as required by 37 CFR § 1.99 (e).

In view of the foregoing, it is respectfully requested that the currently submitted patents and publications be forwarded to the Examiner for review in the above-referenced patent application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda S. Chan".

Linda S. Chan  
Reg. No. 42,400

Katten Muchin Zavis Rosenman  
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The PTO did not receive the following  
listed item(s) check for \$180.00

**CERTIFICATE OF SERVICE**

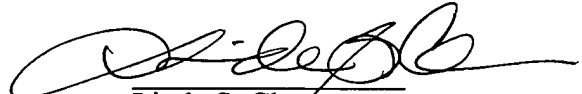
The undersigned hereby certifies that, on the 24th day of August, 2005, he caused  
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**THIRD-PARTY SUBMISSION UNDER 37 CFR § 1.99**

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Postal Service, on:

Anthony Cubb, M.D.  
19714 Texas Laurel Trail  
Kingwood, TX 77346, USA

Applicant in U.S. Patent Application No. 10/603,641.

  
Linda S. Chan